

CSD 1162 [08/22/03]

Name, Address, Telephone No. &amp; I.D. No.

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File no. 1217272

## UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

325 West "F" Street, San Diego, California 92101-6991

In Re Romualdo Villanueva Cabal,  
 Eden Pardido Cabal,

Debtor.

BANKRUPTCY NO. 09-06363 JM-7

OneWest Bank, FSB, its assigns and/or successors in interest,

Moving Party

RS NO. EAT1

Romualdo Villanueva Cabal,  
 Eden Pardido Cabal,  
 Leslie T. Gladstone, Trustee,

Respondent (s)

## ORDER ON NONCONTESTED MOTION FOR RELIEF FROM AUTOMATIC STAY

☒ REAL PROPERTY ☐ PERSONAL PROPERTY

IT IS ORDERED THAT the relief sought as set forth on the continuation pages attached and numbered two (2) through 2 with exhibits, if any, for a total of 3 pages, is granted. Motion Docket Entry No. 39

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DATED:

November 04, 2009

\_\_\_\_\_  
 Judge, Uni

Signature by the attorney constitutes a certification under  
 Fed. R. of Bankr. P. 9011 that the relief in the order is the  
 relief granted by the court.

Submitted by:

BARRETT DAFFIN FRAPPIER TREDER & WEISS, LLP  
 (Firm name)

By: /s/ Darlene C. Vigil

Attorney for Movant  
 DARLENE C. VIGIL, BAR NO. 223442

\_\_\_\_\_  
 Judge, United States Bankruptcy Court

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ORDER ON NON-CONTESTED MOTION FOR RELIEF FROM AUTOMATIC STAY ON REAL OR PERSONAL PROPERTY

DEBTOR: Romualdo Villanueva Cabal, Eden Pardido Cabal

CASE NO: 09-06363 JM-7

RS NO.: EAT1

The Motion of OneWest Bank, FSB, its assigns and/or successors in interest, ,  
 ("Movant"), for relief from the automatic stay having been filed with the above-entitled court on 9/30/2009 , and

The Notice of Filing of a Motion for Relief from Automatic Stay (a file-stamped copy of which is attached hereto as  
 Exhibit A OR Notice Docket Entry No. 41 , if filed electronically), the Motion, and accompanying  
 Declarations having been served upon the parties named below on 9/30/2009 , and

- ☒ Debtor (Name): Romualdo Villanueva Cabal, Eden Pardido Cabal  
☒ Debtor's Attorney (Name): Carlo O. Reyes  
☒ Trustee (Name): Leslie T. Gladstone  
☒ United States Trustee (in Chapter 11 & 12 cases), and  
☒ Others, if any (Name): Respondents: Indymac Federal Bank and Navy Federal Credit Union

No objection or Request for Hearing having been filed by or on behalf of the Debtor, IT IS HEREBY ORDERED as follows:

The automatic stay pursuant to 11 U.S.C. Section 362 is hereby terminated for all purposes as to Movant in connection with the estate's and the debtor's interest in

1. ☒ The following real property:  
 a. Street address of the property including county and state:  
 3505 Rock Ridge Road  
 Carlsbad, CA 92010  
 (San Diego County)

- b. Legal description is ☒ attached as Exhibit B or ☐ described below:

2. ☐ The following personal property as described ☐ below or ☐ in Exhibit B attached:

IT IS FURTHER ORDERED that (Optional): That the 10-day stay described by Bankruptcy Rule 4001(a)(3) is waived.

**PROPERTY ADDRESS**

3505 ROCK RIDGE ROAD  
CARLSBAD, CALIFORNIA 92010

**LEGAL DESCRIPTION**

REAL PROPERTY IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA,  
DESCRIBED AS FOLLOWS:

LEGAL FOR PHASE 7 (LOTS 34 THROUGH 41):

PARCEL A: LOT 37 OF CARLSBAD TRACT NO. 01-02, CALAVERA HILLS VILLAGE "K", IN THE CITY  
OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF  
NO. 14622, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY,  
CALIFORNIA, ON JULY 1, 2003.

PARCEL B: A NON-EXCLUSIVE EASEMENT ON AND OVER THE "COMMON AREA" AS DEFINED IN  
THE DECLARATION FOR USE, OCCUPANCY AND ENJOYMENT OF, AND INGRESS AND EGRESS TO,  
THE AMENITIES LOCATED THEREON, SUBJECT TO THE TERMS AND PROVISIONS OF THE  
DECLARATION. THIS EASEMENT IS APPURTENANT TO PARCEL A ABOVE DESCRIBED AND SHALL  
BECOME EFFECTIVE AS TO EACH PORTION OF THE COMMON AREA UPON THE LATER TO OCCUR  
OF (i) THE RECORDATION OF THIS DEED, OR (ii) THE CONVEYANCE OF RECORD OF THE  
COMMON AREA TO THE ASSOCIATION.

**EXHIBIT B**

*Signed by Judge James W. Meyers November 04, 2009*